

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2007-238

November 2, 2007

**SUBJECT:** Transfer of the Escheated Estates Fund, Delegations of Authority, and Rescission of Previous Mayor's Orders

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2006 Repl.), and in accordance with D.C. Official Code §§ 19-701 (2007 Supp.) and 4-753.01(e) (2007 Supp.), it is hereby **ORDERED** that:

**1. THE ESCHEATED ESTATES FUND:**

- (a) The Chief Financial Officer of the Office of the Chief Financial Officer is the principal custodian of an established Escheated Estates Fund (hereinafter referred to as the "Fund") in the accounts of the District of Columbia. All monies received by the District of Columbia pursuant to D.C. Official Code § 19-701 (2007 Supp.) are deposited in said Fund.
- (b) The Chief Financial Officer shall:
  - (i) Credit interest accrued on the principal balance of the Fund to the Fund; such interest to be credited to the Fund may be determined, consistent with the financial management procedures of the District, as a pro-rata share of the interest earned on pooled cash, deposits and investments;
  - (ii) Pay any direct costs of administering Fund disbursements from the Fund balance, including fees for private management services if such are deemed reasonable and necessary;
  - (iii) Maintain any securities or negotiable certificates for the credit of the Fund, and convert such certificates to cash as advisable with respect to prevailing economic conditions; and
  - (iv) Provide the Mayor with a quarterly financial statement on the status of the Fund.

**2. DELEGATIONS OF AUTHORITY:**

- (a) The Attorney General for the District of Columbia shall be the primary official responsible for receiving monies pursuant to D.C. Official Code § 19-701 (2007 Supp.). All monies received by the Attorney General shall be deposited into the Fund. To the extent practicable, non-cash assets of escheated estates shall be converted to cash for deposit. When marketable securities or other similar non-cash assets revert to the District by escheat, the Attorney General shall consult with the Chief Financial Officer of the Office of the Chief Financial Officer to determine the manner in which such assets shall be converted to cash or otherwise administered for the benefit of the Fund.
- (b) The Director of the Office of Property Management shall be the manager of any real property reverting to the District by escheat. The Director of the Office of Property Management shall, within a reasonable time of receipt of said property, determine whether the property is suitable to be used for the benefit of the poor. If the property cannot be suitably used for such purpose, the property, if residential, and occupied by low income tenant(s), shall be offered for sale to such tenant(s) at the appraised fair market value. If the property is not residential and occupied by low income tenant(s), or the tenant(s) declines the offer, the property shall be sold at a public sale to the highest bidder, subject to approval of the Mayor and the Attorney General, and the proceeds deposited into the Fund, pursuant to the authority under D.C. Official Code § 19-701 (2007 Supp.).

**3. TRANSFER OF FUNDS:**

- (a) At regular intervals the Chief Financial Officers shall transfer the Fund balance to the Emergency Assistance Fund, administered by the Director of the Department of Human Services.
- (b) The Director of the Department of Human Services shall use such transferred funds in a manner consistent with the financial management procedures of the District and in accordance with the mandates of D.C. Official Code §§ 4-753.01(e) and 19-701 (2007 Supp.).

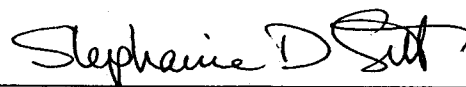
**4. CONFORMING CHANGES:**

- (a) This order rescinds Mayor's Order 85-71, dated May 24, 1985, and supersedes all other previous orders to the extent of any inconsistency.

- (b) This order rescinds Mayor's Order 86-128, dated August 8, 1986, abolishes the Escheated Estates Fund Application Screening Committee, and supersedes all other previous orders to the extent of any inconsistency.

5. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
ADRIAN M. FENTY  
MAYOR

ATTEST:   
STEPHANIE D. SCOTT  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division



**MEMORANDUM**

**TO:** Garrett L. Lee  
Assistant General Counsel to the Mayor  
Executive Office of the Mayor

**FROM:** Wayne C. Witkowski  
Deputy Attorney General  
Legal Counsel Division *Waw*

**DATE:** October 25, 2007

**SUBJECT:** Legal Sufficiency Review of Revised Mayor's Order Regarding the  
Escheated Estates Fund  
(AM-07-697 B) (MID 213819) (Doc 215291)

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This responds to your e-mail of today by which you submitted the above-referenced revised Mayor's Order (Order) to this Office for a legal sufficiency review.

The Order continues to be authorized by section 422 (2) of the District of Columbia Home Rule Act, approved December 24, 1974, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2) (2007 Supp.).

The Order differs from the Mayor's Order on the same subject that this Office stated was legally sufficient in its October 18, 2007 memorandum to you, because the Order:

- Changes some of the duties of the Chief Financial Officer (CFO) as described in the Order;
- Clarifies that the CFO will transfer balances from the Escheated Estates Fund (Fund), rather than the Fund itself to the Department of Human Services to be used for the benefit of the poor; and
- Makes other clarifying revisions.

The Order has received a format and technical review by the Office of Documents and Administrative Issuances. The Order is legally sufficient, as edited. You will receive a copy of the edited Order by e-mail.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, Legal Counsel Division, at 724-5558, or me at 724-5524.

WCW/phg

Attachment